

LEGISLATIVE CONCEPT PAPER
CALFED Bay-Delta Program
November 9, 1999

TITLE: Mandated water use measurement.

STATEMENT OF PROBLEM: Water use in various parts of California is not currently subject to measurement. This lack of measurement frustrates efforts to implement and evaluate water conservation efforts and leads to untestable assertions that water is being wasted.

PROPOSED SOLUTION: Require all water users, including urban, agricultural, and environmental users, to engage in appropriate measurement or metering of their water use.

CONSEQUENCE OF INACTION: If water use remains unmeasured, water conservation measures will be less effective than possible and controversy will continue about whether water use in California is wasteful.

ALTERNATIVES:

- The State Water Resources Control Board could adopt regulations, using their authority to prevent waste or unreasonable use of water (Water Code § 275), to require water measurement.
- Under the same statutory authority, the Department of Water Resources could initiate legal or regulatory actions (before SWRCB) to prevent use of unmeasured water.

HISTORY: Current law addresses water use measurement in several locations:

- Water Code §110 requires new potable water service by water purveyors with 15 or more service connections to include a water meter.
- Water Code § 521 declares Legislative findings that water used without a measurement method has caused and will continue to cause waste and unreasonable use of water.
- Water Code §14015(b) authorizes state grants or loans to local governments for replacement of water meters on domestic water systems.
- Water Code §22083 (and §4103) requires owners of water conduits in watermaster service areas to construct and maintain water flow measuring devices, as required by the applicable irrigation district, to determine the amount being put to beneficial use.
- Water Code §10522 authorizes agricultural water agencies to use flow measuring devices in their delivery systems and to provide growers with on-farm measuring devices.
- Water Code §§5101 and 5103 require water diverters to file, with SWRCB, statements of diversion and use that contain quantities diverted or other information to indicate the quantity of water used.

The CALFED June 1999 Revised Phase II Report indicated that CALFED agencies would sponsor legislation to require water use measurement. Additionally, many comments received on the CALFED Bay-Delta Program urge adoption of water use measurement requirements.

Efforts to require water use measurement generally encounter concerns or opposition from groups whose use is currently unmeasured (several Central Valley cities) or measured through proxy indicators, such as number of irrigated acres (agricultural users).